

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9019 of 2005

Between:

G.Rajeswari, d/o Paramjyothi,
r/o Vuyyuru, Krishna District.

..... PETITIONER

AND

1 The Director of School Education,

Andhra Pradesh, Hyderabad.

2 The Regional Joint Director of School Education,

Kakinada, East Godavari District.

3 The District Educational Officer,

Krishna at Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of mandamus i) declaring as illegal, arbitrary and in violation of law the proceedings of the 2nd respondent dated 18-02-2005 confirming the order of the 3rd respondent dated 12-08-1996 ii) issue a consequential direction to regularise the gap period from 01-09-1989 to 08-02-1993 as period spent on duty with salary, increments and for other benefits iii) to grant the benefit of 16 year scale to the petitioner consequent on regularising the gap period iv) to grant the benefit of 24 year scale to the petitioner consequent on regularising the gap period v) count the gap period as pensionable service.

Counsel for the Petitioner: Mr.D.V.SITARAMAMURTHY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following O R D E R:

This writ petition is filed questioning the proceedings of the second respondent dated 18.02.2005, whereunder the second respondent confirmed the proceedings of the third respondent dated 12.08.1996 without assigning any reasons.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The only grievance of the petitioner is that the Regional Joint Director of School Education-second respondent without giving any reasons confirmed the proceedings of the third respondent dated 12.08.1996. Therefore, it is liable to be set aside and the matter may be remitted to the second respondent for reconsideration.

Learned Government Pleader for School Education opposed the same.

A perusal of the impugned proceedings of the second respondent would go to show that it does not contain any reasons. The petitioner contends that the report of the enquiry officer, who was appointed pursuant to the directions of this Court, and the earlier judgments of this Court have not been taken into consideration. The second respondent has to be reconsider the matter and pass appropriate orders in accordance with the rules and regulations duly taking note of the report of the enquiry officer and also the directions issued by this Court in W.P.Nos.5233 of 1993 & 8000 of 1996.

Accordingly, the writ petition is allowed setting aside the impugned proceedings dated 18.02.2005 and the matter is remitted to the second respondent to pass appropriate orders in accordance with the rules and regulations within a period of three months from the date of receipt of a copy of this order. No order as to costs.

(K.C.BHANU,J)

Dt:25th April, 2005

Usd

To

1 The Director of School Education,

Andhra Pradesh, Hyderabad.

2 The Regional Joint Director of School Education,

Kakinada, East Godavari District.

3 The District Educational Officer,

Krishna at Machilipatnam.

4 Two CCs to the GP for Education, High Court Buildings,

Hyderabad (O.U.T.)

5 Two CD Copies.